

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1447 be amended to read as follows:

- 1 Page 271, between lines 31 and 32, begin a new paragraph and
- 2 insert:
- 3 "SECTION 210. IC 36-8-12-13, AS AMENDED BY P.L.107-2007,
- 4 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2009]: Sec. 13. (a) A volunteer fire department may impose
- 6 a charge on the owner of property, the owner of a vehicle, or a
- 7 responsible party (as defined in IC 13-11-2-191(d)) that is involved in
- 8 a hazardous material or fuel spill or chemical or hazardous material
- 9 related fire (as defined in IC 13-11-2-96(b)):
- 10 (1) that is responded to by the volunteer fire department; and
- 11 (2) that members of that volunteer fire department assisted in
- 12 extinguishing, containing, or cleaning up.
- 13 (b) The volunteer fire department shall bill the owner or responsible
- 14 party of the vehicle for the total dollar value of the assistance that was
- 15 provided, with that value determined by a method that the state fire
- 16 marshal shall establish under IC 36-8-12-16. A copy of the fire incident
- 17 report to the state fire marshal must accompany the bill. This billing
- 18 must take place within thirty (30) days after the assistance was
- 19 provided. The owner or responsible party shall remit payment directly
- 20 to the governmental unit providing the service. Any money that is
- 21 collected under this section may be:
- 22 (1) deposited in the township firefighting fund established in
- 23 IC 36-8-13-4;
- 24 (2) used to pay principal and interest on a loan made by the
- 25 department of homeland security established by IC 10-19-2-1 or
- 26 a division of the department for the purchase of new or used
- 27 firefighting and other emergency equipment or apparatus; or
- 28 (3) used for the purchase of equipment, buildings, and property
- 29 for firefighting, fire protection, and other emergency services.
- 30 (c) **Any administrative fees charged by a fire department's agent**
- 31 **must be paid only from fees that are collected and allowed by**

Indiana law and the fire marshal's schedule of fees.

(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

~~(c)~~ **(f)** The volunteer fire department may maintain a civil action to recover an unpaid charge that is imposed under subsection (a).

SECTION 211. IC 36-8-12-16, AS AMENDED BY P.L.3-2008, SECTION 266, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A volunteer fire department that provides service within a jurisdiction served by the department may establish a schedule of charges for the services that the department provides not to exceed the state fire marshal's recommended schedule for services. The volunteer fire department or its agent may collect a service charge according to this schedule from the owner of property that receives service if the following conditions are met:

(1) At the following times, the department gives notice under IC 5-3-1-4(d) in each political subdivision served by the department of the amount of the service charge for each service that the department provides:

(A) Before the schedule of service charges is initiated.

(B) When there is a change in the amount of a service charge.

(2) The property owner has not sent written notice to the department to refuse service by the department to the owner's property.

(3) The bill for payment of the service charge:

(A) is submitted to the property owner in writing within thirty

(30) days after the services are provided; and

(B) includes a copy of a fire incident report in the form prescribed by the state fire marshal, if the service was provided for an event that requires a fire incident report.

(4) Payment is remitted directly to the governmental unit providing the service.

(b) A volunteer fire department shall use the revenue collected from the fire service charges under this section:

(1) for the purchase of equipment, buildings, and property for firefighting, fire protection, or other emergency services;

(2) for deposit in the township firefighting fund established under IC 36-8-13-4; or

(3) to pay principal and interest on a loan made by the department of homeland security established by IC 10-19-2-1 or a division of the department for the purchase of new or used firefighting and other emergency equipment or apparatus.

(c) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(d) An agent who processes fees on behalf of a fire department shall send all bills, notices, and other related materials to both the fire department and the person being billed for services.

(e) All fees allowed by Indiana law and the fire marshal's fee schedule must be itemized separately from any other charges.

~~(c)~~ **(f)** If at least twenty-five percent (25%) of the money received by a volunteer fire department for providing fire protection or emergency services is received under one (1) or more contracts with one (1) or more political subdivisions (as defined in IC 34-6-2-110), the legislative body of a contracting political subdivision must approve the schedule of service charges established under subsection (a) before the schedule of service charges is initiated in that political subdivision.

~~(d)~~ **(g)** A volunteer fire department that:

(1) has contracted with a political subdivision to provide fire protection or emergency services; and

(2) charges for services under this section;

must submit a report to the legislative body of the political subdivision before April 1 of each year indicating the amount of service charges collected during the previous calendar year and how those funds have been expended.

~~(e)~~ **(h)** The state fire marshal shall annually prepare and publish a recommended schedule of service charges for fire protection services.

~~(f)~~ **(i)** The volunteer fire department or its agent may maintain a civil action to recover an unpaid service charge under this section.

SECTION 212. IC 36-8-12.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. **(a)** A fire department may impose a charge on a person that is a responsible party with respect to a hazardous materials emergency that:

(1) the fire department responded to;

(2) members of that fire department assisted in containing, controlling, or cleaning up;

(3) with respect to the release or imminent release of hazardous materials at a facility, involves a quantity of hazardous materials that exceeds the spill quantities of hazardous materials that must be reported under 327 IAC 2-6.1-5, as in effect on January 1, 2001; and

(4) with respect to the release or imminent release of hazardous materials from a mode of transportation, involves a quantity of hazardous materials that exceeds the spill quantities of hazardous materials that must be reported under 327 IAC 2-6.1-6, as in effect on January 1, 2001.

(b) The owner or responsible party shall remit payment directly to the governmental unit providing the service.

(c) Any administrative fees charged by a fire department's agent must be paid only from fees that are collected and allowed by Indiana law and the fire marshal's schedule of fees.

(d) An agent who processes fees on behalf of a fire department

1 **shall send all bills, notices, and other related materials to both the**
2 **fire department and the person being billed for services.**

3 **(e) All fees allowed by Indiana law and the fire marshal's fee**
4 **schedule must be itemized separately from any other charges.**

5 SECTION 213. IC 36-8-12.2-7 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. A fire department
7 imposing a charge under this chapter may bill the responsible party for
8 the total value of the assistance provided, as determined from the state
9 fire marshal's schedule of service charges issued under
10 ~~IC 36-8-12-16(c).~~ **IC 36-8-12-16(h).**"

11 Renumber all SECTIONS consecutively.

(Reference is to EHB 1447 as printed April 10, 2009.)

Senator PAUL